



Sen. Pat McGuire

Filed: 4/15/2016

09900SB1525sam002

LRB099 09501 HLH 47676 a

1 AMENDMENT TO SENATE BILL 1525

2 AMENDMENT NO. _____. Amend Senate Bill 1525, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Property Tax Code is amended by changing
6 Sections 22-5, 22-10, 22-15, 22-20, 22-25, and 22-45 as
7 follows:

8 (35 ILCS 200/22-5)

9 Sec. 22-5. Notice of sale and redemption rights. In order
10 to be entitled to a tax deed, within 4 months and 15 days after
11 any sale held under this Code, the purchaser or his or her
12 assignee shall deliver to the county clerk a notice to be given
13 to the party in whose name the taxes are last assessed as shown
14 by the most recent tax collector's warrant books, in at least
15 10 point type with headings in bold type, in the following form
16 completely filled in:

TAKE NOTICE

County of

Date Premises Sold

Certificate No.

Sold for General Taxes of (year)

Sold for Special Assessment of (Municipality)
 and special assessment number

Warrant No. Inst. No.

THIS PROPERTY HAS BEEN SOLD FOR

DELINQUENT TAXES

Property located at

Legal Description or Property Index No.

.....

.....

This notice is to advise you that the above property has
 been sold for delinquent taxes and that the period of
 redemption from the sale will expire on

This notice is also to advise you that a petition will be
 filed for a tax deed which will transfer title and the right to
 possession of this property if redemption is not made on or
 before

At the date of this notice the total amount which you must
 pay in order to redeem the above property is

YOU ARE URGED TO REDEEM IMMEDIATELY TO

PREVENT LOSS OF PROPERTY

Redemption can be made at any time on or before by

1 applying to the County Clerk of County, Illinois at the
2 Office of the County Clerk in, Illinois.

3 The above amount is subject to increase at 6 month
4 intervals from the date of sale. Check with the county clerk as
5 to the exact amount you owe before redeeming. Payment must be
6 made by certified check, cashier's check, money order, or in
7 cash.

8 In addition, the notice must contain the following
9 information in 10 point bold type:

10 FOR FURTHER INFORMATION CONTACT THE COUNTY CLERK OF (INSERT
11 COUNTY), ILLINOIS IMMEDIATELY: ~~For further information contact~~
12 ~~the County Clerk~~

13 ADDRESS:.....

14 TELEPHONE:.....

15
16 Purchaser or Assignee
17 Dated (insert date).

18 Within 10 days after receipt of said notice, the county
19 clerk shall mail to the addresses supplied by the purchaser or
20 assignee, by both registered or certified mail and first class
21 mail, copies of said notice to the party in whose name the
22 taxes are last assessed as shown by the most recent tax
23 collector's warrant books. The purchaser or assignee shall pay
24 to the clerk postage plus the sum of \$10. The clerk shall write

1 or stamp the date of receiving the notices upon the copies of
2 the notices, and retain one copy.

3 The changes to this Section made by Public Act 97-557 ~~this~~
4 ~~amendatory Act of the 97th General Assembly~~ apply only to tax
5 sales that occur on or after July 1, 2012 (the effective date
6 of Public Act 97-557) ~~this amendatory Act of the 97th General~~
7 ~~Assembly.~~

8 The changes made to this Section by this amendatory Act of
9 the 99th General Assembly apply only to tax sales that occur on
10 or after the effective date of this amendatory Act of the 99th
11 General Assembly.

12 (Source: P.A. 97-557, eff. 7-1-12.)

13 (35 ILCS 200/22-10)

14 Sec. 22-10. Notice of expiration of period of redemption. A
15 purchaser or assignee shall not be entitled to a tax deed to
16 the property sold unless, not less than 3 months nor more than
17 6 months prior to the expiration of the period of redemption,
18 he or she gives notice of the sale and the date of expiration
19 of the period of redemption to the owners, occupants, and
20 parties interested in the property, including any mortgagee of
21 record, as provided below.

22 The Notice to be given to the parties shall be in at least
23 10 point type with headings in bold type, in the following form
24 completely filled in:

25 TAX DEED NO. FILED

TAKE NOTICE

County of

Date Premises Sold

Certificate No.

Sold for General Taxes of (year)

Sold for Special Assessment of (Municipality)
 and special assessment number

Warrant No. Inst. No.

THIS PROPERTY HAS BEEN SOLD FOR

DELINQUENT TAXES

Property located at

Legal Description or Property Index No.

.....

.....

This notice is to advise you that the above property has been sold for delinquent taxes and that the period of redemption from the sale will expire on

.....

The amount to redeem is subject to increase at 6 month intervals from the date of sale and may be further increased if the purchaser at the tax sale or his or her assignee pays any subsequently accruing taxes or special assessments to redeem the property from subsequent forfeitures or tax sales. Check with the county clerk as to the exact amount you owe before redeeming.

This notice is also to advise you that a petition has been

1 filed for a tax deed which will transfer title and the right to
2 possession of this property if redemption is not made on or
3 before

4 This matter is set for hearing in the Circuit Court of this
5 county in, Illinois on

6 You may be present at this hearing but your right to redeem
7 will already have expired at that time.

8 YOU ARE URGED TO REDEEM IMMEDIATELY
9 TO PREVENT LOSS OF PROPERTY

10 Redemption can be made at any time on or before by
11 applying to the County Clerk of, County, Illinois at the
12 Office of the County Clerk in, Illinois.

13 In addition, the notice must contain the following
14 information in 10 point bold type:

15 FOR FURTHER INFORMATION CONTACT THE COUNTY CLERK OF (INSERT
16 COUNTY), ILLINOIS IMMEDIATELY ~~For further information contact~~
17 ~~the County Clerk~~

18 ADDRESS:.....

19 TELEPHONE:.....

20

21 Purchaser or Assignee.

22 Dated (insert date).

23 In counties with 3,000,000 or more inhabitants, the notice
24 shall also state the address, room number and time at which the

1 matter is set for hearing.

2 The changes to this Section made by Public Act 97-557 ~~this~~
3 ~~amendatory Act of the 97th General Assembly~~ apply only to
4 matters in which a petition for tax deed is filed on or after
5 July 1, 2012 (the effective date of Public Act 97-557) ~~this~~
6 ~~amendatory Act of the 97th General Assembly~~.

7 The changes made to this Section by this amendatory Act of
8 the 99th General Assembly apply only to tax sales that occur on
9 or after the effective date of this amendatory Act of the 99th
10 General Assembly.

11 (Source: P.A. 97-557, eff. 7-1-12.)

12 (35 ILCS 200/22-15)

13 Sec. 22-15. Service and posting of notice. The purchaser or
14 his or her assignee shall give the notice required by Section
15 22-10 by causing it to be published in a newspaper as set forth
16 in Section 22-20. In addition, the notice shall be served by a
17 sheriff (or if he or she is disqualified, by a coroner) of the
18 county in which the property, or any part thereof, is located
19 or, except in Cook County, by a person who is licensed or
20 registered as a private detective under the Private Detective,
21 Private Alarm, Private Security, Fingerprint Vendor, and
22 Locksmith Act of 2004 upon owners who reside on any part of the
23 property sold by leaving a copy of the notice with those owners
24 personally and by conspicuously and securely posting the notice
25 on or immediately adjacent to a principal entry door to the

1 property.

2 In counties of 3,000,000 or more inhabitants where a taxing
3 district is a petitioner for tax deed pursuant to Section
4 21-90, in lieu of service by the sheriff or coroner the notice
5 may be served by a special process server appointed by the
6 circuit court as provided in this Section. The taxing district
7 may move prior to filing one or more petitions for tax deed for
8 appointment of such a special process server. The court, upon
9 being satisfied that the person named in the motion is at least
10 18 years of age and is capable of serving notice as required
11 under this Code, shall enter an order appointing such person as
12 a special process server for a period of one year. The
13 appointment may be renewed for successive periods of one year
14 each by motion and order, and a copy of the original and any
15 subsequent order shall be filed in each tax deed case in which
16 a notice is served by the appointed person. Delivery of the
17 notice to and service of the notice by the special process
18 server shall have the same force and effect as its delivery to
19 and service by the sheriff or coroner.

20 The same form of notice shall also be served, in the manner
21 set forth under Sections 2-203, 2-204, 2-205, 2-205.1, and
22 2-211 of the Code of Civil Procedure, upon all other owners and
23 parties interested in the property, if upon diligent inquiry
24 they can be found in the county, and upon the occupants of the
25 property.

26 If the property sold has more than 4 dwellings or other

1 rental units, and has a managing agent or party who collects
2 rents, that person shall be deemed the occupant and shall be
3 served with notice instead of the occupants of the individual
4 units. If the property has no dwellings or rental units, but
5 economic or recreational activities are carried on therein, the
6 person directing such activities shall be deemed the occupant.
7 Holders of rights of entry and possibilities of reverter shall
8 not be deemed parties interested in the property.

9 When a party interested in the property is a trustee,
10 notice served upon the trustee shall be deemed to have been
11 served upon any beneficiary or note holder thereunder unless
12 the holder of the note is disclosed of record.

13 When a judgment is a lien upon the property sold, the
14 holder of the lien shall be served with notice if the name of
15 the judgment debtor as shown in the transcript, certified copy
16 or memorandum of judgment filed of record is identical, as to
17 given name and surname, with the name of the party interested
18 as it appears of record.

19 If any owner or party interested, upon diligent inquiry and
20 effort, cannot be found or served with notice in the county as
21 provided in this Section, and the person in actual occupancy
22 and possession is tenant to, or in possession under the owners
23 or the parties interested in the property, then service of
24 notice upon the tenant, occupant or person in possession shall
25 be deemed service upon the owners or parties interested.

26 If any owner or party interested, upon diligent inquiry and

1 effort cannot be found or served with notice in the county,
2 then the person making the service shall cause a copy of the
3 notice to be sent by both registered or certified mail, return
4 receipt requested, and first class mail, to that party at his
5 or her residence, if ascertainable.

6 The changes to this Section made by Public Act 95-477 apply
7 only to matters in which a petition for tax deed is filed on or
8 after June 1, 2008 (the effective date of Public Act 95-477).

9 The changes made to this Section by this amendatory Act of
10 the 99th General Assembly apply only to tax sales that occur on
11 or after the effective date of this amendatory Act of the 99th
12 General Assembly.

13 (Source: P.A. 95-195, eff. 1-1-08; 95-477, eff. 6-1-08; 95-876,
14 eff. 8-21-08.)

15 (35 ILCS 200/22-20)

16 Sec. 22-20. Proof of service of notice; publication of
17 notice. The sheriff or coroner serving notice under Section
18 22-15 shall endorse his or her return thereon and file it with
19 the Clerk of the Circuit Court and it shall be a part of the
20 court record. A private detective or a special process server
21 appointed under Section 22-15 shall make his or her return by
22 affidavit and shall file it with the Clerk of the Circuit
23 Court, where it shall be a part of the court record. If a
24 sheriff, private detective, special process server, or coroner
25 to whom any notice is delivered for service, neglects or

1 refuses to make the return, the purchaser or his or her
2 assignee may petition the court to enter a rule requiring the
3 sheriff, private detective, special process server, or coroner
4 to make return of the notice on a day to be fixed by the court,
5 or to show cause on that day why he or she should not be
6 attached for contempt of the court. The purchaser or assignee
7 shall cause a written notice of the rule to be served upon the
8 sheriff, private detective, special process server, or
9 coroner. If good and sufficient cause to excuse the sheriff,
10 private detective, special process server, or coroner is not
11 shown, the court shall adjudge him or her guilty of a contempt,
12 and shall proceed to punish him as in other cases of contempt.

13 If the property is located in a municipality in a county
14 with less than 3,000,000 inhabitants, the purchaser or his or
15 her assignee shall also publish a notice as to the owner or
16 party interested, in some newspaper published in the
17 municipality. If the property is not in a municipality in a
18 county with less than 3,000,000 inhabitants, or if no newspaper
19 is published therein, or if the property is in a county with
20 3,000,000 or more inhabitants, the notice shall be published in
21 some newspaper in the county. If no newspaper is published in
22 the county, then the notice shall be published in the newspaper
23 that is published nearest the county seat of the county in
24 which the property is located. If the owners and parties
25 interested in the property upon diligent inquiry are unknown to
26 the purchaser or his or her assignee, the publication as to

1 such owner or party interested, may be made to unknown owners
2 or parties interested. Any notice by publication given under
3 this Section shall be given 3 times at any time after filing a
4 petition for tax deed, but not less than 3 months nor more than
5 6 months prior to the expiration of the period of redemption.
6 ~~The publication shall contain (a) notice of the filing of the~~
7 ~~petition for tax deed, (b) the date on which the petitioner~~
8 ~~intends to make application for an order on the petition that a~~
9 ~~tax deed issue, (c) a description of the property, (d) the date~~
10 ~~upon which the property was sold, (e) the taxes or special~~
11 ~~assessments for which it was sold and (f) the date on which the~~
12 ~~period of redemption will expire.~~ The publication shall not
13 include more than one property listed and sold in one
14 description, except as provided in Section 21-90, and except
15 that when more than one property is owned by one person, all of
16 the parcels owned by that person may be included in one notice.

17 The publication shall contain: (1) the name or names of the
18 person or party holding a recorded ownership or recorded
19 interest in the property; (2) the property address; (3) the
20 language "THIS PROPERTY HAS BEEN SOLD FOR DELINQUENT TAXES" in
21 bold capital letters and in not less than 8 point type; (4)
22 notice of the filing of the petition for tax deed; (5) the date
23 on which the petitioner intends to make application for an
24 order on the petition that a tax deed issue; (6) a description
25 of the property; (7) the date upon which the property was sold;
26 (8) the taxes or special assessment for which the property was

1 sold; (9) the date on which the period of redemption will
2 expire; (10) the language "YOU ARE URGED TO REDEEM IMMEDIATELY
3 TO PREVENT LOSS OF PROPERTY. FOR FURTHER INFORMATION CONTACT
4 THE COUNTY CLERK OF (INSERT COUNTY, IL) IMMEDIATELY" in bold
5 capital letters and in not less than 8 point type; and (11) the
6 address and telephone number of the office of the county clerk
7 in bold capital letters and in not less than 8 point type.

8 The changes to this Section made by Public Act 95-477 apply
9 only to matters in which a petition for tax deed is filed on or
10 after June 1, 2008 (the effective date of Public Act 95-477).

11 The changes made to this Section by this amendatory Act of
12 the 99th General Assembly apply only to tax sales that occur on
13 or after the effective date of this amendatory Act of the 99th
14 General Assembly.

15 (Source: P.A. 95-195, eff. 1-1-08; 95-477, eff. 6-1-08; 95-876,
16 eff. 8-21-08.)

17 (35 ILCS 200/22-25)

18 Sec. 22-25. Mailed notice. In addition to the notice
19 required to be served not less than 3 months nor more than 6
20 months prior to the expiration of the period of redemption, the
21 purchaser or his or her assignee shall prepare and deliver to
22 the clerk of the Circuit Court of the county in which the
23 property is located, the notice provided for in this Section,
24 together with the statutory costs for mailing the notice by
25 both certified mail, return receipt requested, and first class

1 mail. The form of notice to be mailed by the clerk shall be
2 identical in form to that provided by Section 22-10 for service
3 upon owners residing upon the property sold, except that it
4 shall bear the signature of the clerk instead of the name of
5 the purchaser or assignee and shall designate the parties to
6 whom it is to be mailed. The clerk may furnish the form. The
7 clerk shall promptly mail the notices delivered to him or her
8 by both certified mail, return receipt requested, and first
9 class mail. The certificate of the clerk that he or she has
10 mailed the notices, together with the return receipts, shall be
11 filed in and made a part of the court record. The notices shall
12 be mailed to the owners of the property at their last known
13 addresses, and to those persons who are entitled to service of
14 notice as occupants.

15 The changes to this Section made by Public Act 97-557 ~~this~~
16 ~~amendatory Act of the 97th General Assembly~~ shall be construed
17 as being declaratory of existing law and not as a new
18 enactment.

19 The changes made to this Section by this amendatory Act of
20 the 99th General Assembly apply only to tax sales that occur on
21 or after the effective date of this amendatory Act of the 99th
22 General Assembly.

23 (Source: P.A. 97-557, eff. 7-1-12.)

24 (35 ILCS 200/22-45)

25 Sec. 22-45. Tax deed incontestable unless order appealed or

1 relief petitioned. Tax deeds issued under Section 22-40 are
2 incontestable except by appeal from the order of the court
3 directing the county clerk to issue the tax deed. However,
4 relief from such order may be had under Sections 2-1203 or
5 2-1401 of the Code of Civil Procedure in the same manner and to
6 the same extent as may be had under those Sections with respect
7 to final orders and judgments in other proceedings. The grounds
8 for relief under Section 2-1401 shall be limited to:

9 (1) proof that the taxes were paid prior to sale;

10 (2) proof that the property was exempt from taxation;

11 (3) proof by clear and convincing evidence that the tax
12 deed had been procured by fraud or deception by the tax
13 purchaser or his or her assignee; or

14 (4) proof by a person or party holding a recorded
15 ownership or other recorded interest in the property that
16 he or she was not named as a party in the publication
17 notice as required by ~~set forth in~~ Section 22-20, and that
18 the tax purchaser or his or her assignee did not make a
19 diligent inquiry and effort to serve that person or party
20 with the notices required by Sections 22-10 through 22-30.

21 In cases of the sale of homestead property in counties with
22 3,000,000 or more inhabitants, a tax deed may also be voided by
23 the court upon petition, filed not more than 3 months after an
24 order for tax deed was entered, if the court finds that the
25 property was owner occupied on the expiration date of the
26 period of redemption and that the order for deed was

1 effectuated pursuant to a negligent or willful error made by an
2 employee of the county clerk or county collector during the
3 period of redemption from the sale that was reasonably relied
4 upon to the detriment of any person having a redeemable
5 interest. In such a case, the tax purchaser shall be entitled
6 to the original amount required to redeem the property plus
7 interest from the sale as of the last date of redemption
8 together with costs actually expended subsequent to the
9 expiration of the period of redemption and reasonable
10 attorney's fees, all of which shall be dispensed from the fund
11 created by Section 21-295. In those cases of error where the
12 court vacates the tax deed, it may award the petitioner
13 reasonable attorney's fees and court costs actually expended,
14 payable from that fund. The court hearing a petition filed
15 under this Section or Section 2-1401 of the Code of Civil
16 Procedure may concurrently hear a petition filed under Section
17 21-295 and may grant relief under any Section.

18 Public Act 95-477 ~~This amendatory Act of the 95th General~~
19 ~~Assembly~~ shall be construed as being declarative of existing
20 law and not as a new enactment.

21 The changes made to this Section by this amendatory Act of
22 the 99th General Assembly apply only to tax sales that occur on
23 or after the effective date of this amendatory Act of the 99th
24 General Assembly.

25 (Source: P.A. 95-477, eff. 6-1-08.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".